

CLOSED, RHW

**U.S. District Court
Southern District of Mississippi (Southern)
CIVIL DOCKET FOR CASE #: 1:08-cv-01481-LG -RHW**

Toole v. Peak et al
Assigned to: Chief District Judge Louis Guirola, Jr
Referred to: Magistrate Judge Robert H. Walker
Case in other court: Fifth Circuit, 09-60446
Cause: 05:551 Administrative Procedure Act

Date Filed: 01/09/2009
Date Terminated: 05/08/2009
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff**Cathy Toole**

represented by **Cathy Toole**
250 Bohn Street
Biloxi, MS 39530
228-273-1312
PRO SE

V.

Defendant**James B. Peak****Defendant****Henry Paulson****Defendant****Pete Geren****Defendant****Joe Adair****Defendant****Chevis C. Swetman**

represented by **Nathan Lamar Prescott**
PAGE, MANNINO, PERESICH
&MCDERMOTT, PLLC – Biloxi
759 Vieux Marche' Mall
P. O. Drawer 289 (39533)
Biloxi, MS 39530
228/374-2100
Email: nathan.prescott@pmp.org
ATTORNEY TO BE NOTICED

Defendant**R.L. Hindman****Defendant****David L. Quinn****Defendant****Richard A. Daley**

Date Filed	#	Docket Text
12/15/2008	<u>1</u>	COMPLAINT against all defendants, filed by Cathy Toole. (Attachments: # <u>1</u> Exhibit)(JCH) (Entered: 12/15/2008)

12/15/2008	<u>2</u>	MEMORANDUM IN SUPPORT re <u>1</u> Complaint filed by Cathy Toole. (JCH) (Entered: 12/15/2008)
12/15/2008	<u>3</u>	MOTION for Leave to Proceed in forma pauperis by Cathy Toole. (Attachments: # <u>1</u> Exhibit)(JCH) (Entered: 12/15/2008)
12/16/2008	<u>4</u>	ATTACHMENT re <u>1</u> Complaint by Cathy Toole. (Attachments: # <u>1</u> Exhibit)(JCH) (Entered: 12/16/2008)
01/09/2009	<u>5</u>	ORDER granting <u>3</u> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Robert H. Walker on January 9, 2009 (King, Steve) (Entered: 01/09/2009)
01/21/2009	<u>6</u>	Summons Issued as to James B. Peak, Henry Paulson, Pete Geren, Joe Adair, Chevis C. Swetman, R.L. Hindman, David L. Quinn, Richard A. Daley. (JCH) (Entered: 01/21/2009)
02/13/2009	<u>7</u>	MOTION to Dismiss , <i>or, In the Alternative, Motion to Quash Summons and For More Definite Statement</i> by Chevis C. Swetman (Prescott, Nathan) (Entered: 02/13/2009)
02/17/2009		DOCKET ANNOTATION as to # 7. Attorney's office is advised to also file this document as a Motion to Quash Summons and a Motion for More Definite Statement, using the same pdf. In the future, when a Motion is asking for more than one relief, all of the events should be selected at the same time. (JCH) (Entered: 02/17/2009)
02/18/2009	<u>8</u>	SUMMONS Returned Executed by Cathy Toole James B. Peak served on 2/6/2009, answer due 2/26/2009; Henry Paulson served on 2/10/2009, answer due 3/2/2009; Pete Geren served on 2/6/2009, answer due 2/26/2009; Joe Adair served on 1/26/2009, answer due 2/16/2009; Chevis C. Swetman served on 1/26/2009, answer due 2/16/2009; David L. Quinn served on 1/26/2009, answer due 2/16/2009; Richard A. Daley served on 1/28/2009, answer due 2/17/2009. (JCH) (Entered: 02/18/2009)
02/18/2009	<u>9</u>	Summons Returned Unexecuted by Cathy Toole as to R.L. Hindman. (summons and complaint was sent to the defendant by certified mail and the green card was returned to the plaintiff without signature) (JCH) (Entered: 02/18/2009)
02/20/2009	<u>10</u>	MOTION to Appoint Counsel by Cathy Toole. (JCH) (Entered: 02/20/2009)
02/26/2009	<u>11</u>	Summons Reissued as to Chevis C. Swetman. (JCH) (Entered: 02/26/2009)
03/10/2009	<u>12</u>	ALIAS SUMMONS Returned Executed by Cathy Toole Chevis C. Swetman served on 3/5/2009, answer due 3/25/2009. (JCH) (Entered: 03/10/2009)
03/20/2009	<u>13</u>	RESPONSE in Opposition re <u>7</u> MOTION to Dismiss filed by Cathy Toole. (JCH) (Entered: 03/20/2009)
03/23/2009	<u>14</u>	Second MOTION to Dismiss <i>or, in the alternative,</i> , MOTION to Quash <i>Alias Summons and</i> , MOTION for More Definite Statement by Chevis C. Swetman (Prescott, Nathan) (Entered: 03/23/2009)
05/08/2009	<u>15</u>	ORDER granting <u>7</u> Motion to Dismiss. Ordered that Chevis C. Swetman's is dismissed without prejudice. Ordered that because the Court lacks subject matter jurisdiction over the entire case, all defendants are dismissed without prejudice. Signed by District Judge Louis Guirola, Jr on 5/8/09. (JCH) (Entered: 05/08/2009)
05/26/2009	<u>16</u>	MOTION for Reconsideration re <u>15</u> Order on Motion to Dismiss, by Cathy Toole. (JCH) (Entered: 05/26/2009)
06/04/2009	<u>17</u>	ORDER denying Plaintiff's <u>16</u> Motion for Reconsideration. Signed by District Judge Louis Guirola, Jr., on June 4, 2009. (RH) (Entered: 06/04/2009)
06/09/2009	<u>18</u>	NOTICE OF APPEAL as to <u>17</u> Order on Motion for Reconsideration by Cathy Toole. (Attachments: # <u>1</u> Exhibit)(JCH) (Entered: 06/09/2009)
06/15/2009		USCA Case Number 09-60446 for <u>18</u> Notice of Appeal filed by Cathy Toole. (JCH) (Entered: 06/15/2009)

06/16/2009	<u>19</u>	Electronically certified the Record on Appeal to USCA. (JCH) (Entered: 06/16/2009)
08/28/2009		Certified and Transmitted Record on Appeal to US Court of Appeals re <u>18</u> Notice of Appeal. (1 volume) (JCH) (Entered: 08/28/2009)
02/17/2010	<u>20</u>	Copy of Opinion – USCA re <u>18</u> Notice of Appeal. (JCH) (Entered: 02/17/2010)
02/17/2010	<u>21</u>	USCA JUDGMENT as to <u>18</u> Notice of Appeal filed by Cathy Toole. Ordered that the judgment of the District Court is affirmed. (JCH) (Entered: 02/17/2010)